

**MINUTES OF THE CITY COMMISSION MEETING
JANUARY 26, 2004**

The City of Leesburg Commission held a regular meeting Monday, January 26, 2004, in the Commission Chambers at City Hall. Mayor Knowles called the meeting to order at 5:30 p.m. with the following members present:

Commissioner John Christian
Commissioner Bob Lovell
Commissioner Ben Perry
Commissioner Lewis Puckett
Mayor David Knowles

Also present were City Manager (CM) Ron Stock, Acting City Clerk (ACC) Betty Richardson, City Attorney (CA) Fred Morrison, Deputy City Clerk (DCC) Diane Gibson Smith, the news media, and others.

The invocation and the Pledge of Allegiance to the Flag were given in the GLCRA meeting prior to the Commission meeting.

**APPROVED CITY COMMISSION MINUTES OF THE REGULAR MEETING HELD
JANUARY 12, 2004**

Commissioner Puckett moved to approve the City Commission minutes of the regular meeting held January 12, 2004. Commissioner Lovell seconded the motion and it carried unanimously.

PRESENTATIONS:

**APPROVED REQUEST FROM THE FRIENDS OF THE LIBRARY FOR "NAMING
OPPORTUNITIES" FUND RAISING PROJECT FOR THE NEW LEESBURG PUBLIC
LIBRARY**

Bonnie Jones, president of the Friends of the Library, thanked the Commission for continuing plans for the new library. She noted budget constraints have caused the project to be pared down. The Friends of the Library would like to raise money to fund the extra square footage. They are requesting assurance from the City the money earned for the library is additional funds and not replacing City funds.

Commissioner Lovell stated he is personally committed to building the library. The Commission as a whole is devoted to building a 40,000 square foot library.

Mrs. Jones stated donors would feel more comfortable giving if the Commission voted to agree the donated funds would not replace any funds currently slated for the library from the City.

Commissioner Perry questioned if there will be a deadline when changes could not be made to the plans. CM Stock noted there is a time when it does not make sense to allow any further changes. He will ask the architect for that date. The fund raising will continue past the design stage, as the funds will be used for other things as well as additional square footage.

Commissioner Puckett stated the library can be built with the intention of possibly adding on at a later time if needed.

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Commissioner Knowles stated urgency will be a good thing in this case, in order to obtain larger donations.

Commissioner Lovell moved to approve the request of the Friends of the Library to hold fund raisings for additional funds to increase the size of the building and fund some additional items, to include any additional design costs. Commissioner Puckett seconded the motion and it passed unanimously.

CONSENT AGENDA:

Pulled – B12 (contract with Public Resources Management)
B13 (contract amendment with Herbert-Halbeck, Inc.)
C3 (BPCA approval)

Commissioner Puckett moved to adopt the Consent Agenda with the exception of B-12, B-13, and C-3. Commissioner Christian seconded the motion. The roll call vote was as follows:

Commissioner Lovell	Yea
Commissioner Perry	Yea
Commissioner Puckett	Yea
Commissioner Christian	Yea
Mayor Knowles	Yea

Five yeas, no nays, the Commission adopted the Consent Agenda as follows:

PURCHASING ITEMS:

1. LB-04-04 Aquatic Vegetation Control awarded to All American Aquatics and Aquatic Weed control for \$9,408.76 plus monthly maintenance.
2. LB-04-07 Trencher with Backhoe awarded to Ditchwitch of Central Florida for \$40,921.87.
3. Purchase drinking fountains for the Sleepy Hollow Recreation Complex awarded to Most Dependable Fountains, Inc. for \$25,419.00.

RESOLUTIONS:

RESOLUTION 7017

A resolution of the City Commission of the City of Leesburg, Florida, authorizing the Mayor and City Clerk to execute an agreement between the City of Leesburg and All American Aquatics Company for aquatic vegetation control pursuant to Bid #LB-04-04; and providing an effective date.

RESOLUTION 7018

A resolution of the City Commission of the City of Leesburg, Florida, authorizing the Mayor and City Clerk to execute an agreement between the City of Leesburg and Aquatic Weed Control for aquatic vegetation control pursuant to Bid #LB-04-04; and providing an effective date.

RESOLUTION 7019

A resolution of the City Commission of the City of Leesburg, Florida, authorizing the Mayor and City Clerk to approve an agreement between the City of Leesburg and J&H Waterstop for the purposes of providing lift station installation and rehabilitation for the City of Leesburg; and providing an effective date.

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RESOLUTION 7020

A resolution of the City Commission of the City of Leesburg, Florida, authorizing the Mayor and City Clerk to approve an agreement between the City of Leesburg and Cloud Nine Services, Inc. for the purposes of providing lift station installation and rehabilitation for the City of Leesburg; and providing an effective date.

RESOLUTION 7021

A resolution of the City Commission of the City of Leesburg, Florida, authorizing the Mayor and City Clerk to approve an agreement between the City of Leesburg and Gibbs & Register, Inc. for the purposes of providing lift station installation and rehabilitation for the City of Leesburg; and providing an effective date.

RESOLUTION 7022

A resolution of the City Commission of the City of Leesburg, Florida, authorizing the Mayor and City Clerk to approve an agreement between the City of Leesburg and Utility Technicians, Inc. for the purposes of providing lift station installation and rehabilitation for the City of Leesburg; and providing an effective date.

RESOLUTION 7023

A resolution of the City Commission of the City of Leesburg, Florida, authorizing the Mayor and City Clerk to execute Change Order No. 2 between the City of Leesburg and Jaffer Associates Corporation, pursuant to Bid #03-FB-59; and providing an effective date.

RESOLUTION 7024

A resolution of the City Commission of the City of Leesburg, Florida, authorizing the Mayor and City Clerk to approve an increase in the Notice to Proceed issued to Wagner Construction for the Air Traffic Control Tower project from \$64,000.00 to \$115,000.00 for demolition of the former FBO building at 32650 Echo Drive Leesburg Regional Airport; and providing an effective date.

RESOLUTION 7025

A resolution of the City Commission of the City of Leesburg, Florida authorizing the Mayor and City Clerk to execute an amendment to the agreement between the City of Leesburg and Christoff, Krietemeyer & Associates, Architects P.A. for professional architectural services for the Sleepy Hollow Complex; and providing an effective date.

RESOLUTION 7026

A resolution of the City Commission of the City of Leesburg, Florida, authorizing United Southern Bank to honor all checks, drafts, or other orders for the payment of money drawn in the name of the City; authorizing United Southern Bank to honor and charge the City Commission of all such orders for the payment of money; designating the individuals authorized to issue orders for the payment of money on behalf of the City and providing a sample of said individuals signatures; and providing an effective date.

RESOLUTION 7027

A resolution of the City Commission of the City of Leesburg, Florida, authorizing SunTrust bank, Central Florida, N.A.. to honor all checks, drafts, or other orders for the payment of money drawn in the name of the City; authorizing SunTrust Bank, Central Florida, N.A. to honor and charge the City Commission of all such orders for the payment of money; designating the individuals authorized to issue orders for the payment of money on behalf of the City and providing a sample of said individuals signatures; and providing an effective date.

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RESOLUTION 7028

A resolution of the City Commission of the City of Leesburg, Florida authorizing the Mayor and City Clerk to approve and execute a perpetual easement on parcel 804 located in Addition A of Silver Lake Estates to the State of Florida Department of Transportation; and providing an effective date. (at Airport)

RESOLUTION 7029

A resolution of the City Commission of the City of Leesburg, Florida authorizing the Mayor and City Clerk to execute the corrected deed on the sale of Parcel 113A on the north side of State Road 50 (US 441) near Newell Hill Road from Florida Department of Transportation to the City of Leesburg; and providing an effective date.

RESOLUTION 7030

A resolution of the City Commission of the City of Leesburg, Florida, accepting the proposal and authorizing the Mayor and City Clerk to execute a contract, based on the approved proposal and subject to the City Attorney's review and approval, with the School Board of Lake County, Florida to provide for data transport and communications services; and providing an effective date.

RESOLUTION 7031

A resolution of the City Commission of the City of Leesburg, Florida, authorizing the Mayor and City Clerk to execute an amendment to the agreement between the City of Leesburg and Mark Cook Builders, Inc. for construction of concession and equipment storage building at the Sleepy Hollow Recreation Complex; and providing an effective date.

RESOLUTION 7032

A resolution of the City Commission of the City of Leesburg, Florida, establishing the Trails Master Plan Steering Committee; appointing the membership of the Committee; limiting the work of the Committee to a period of seven months; and providing an effective date.

OTHER AGENDA ITEMS:

1. Monthly Financial Report for December 2003
2. Report of Finance Charges paid in Fiscal Year 2002-03
3. PULLED - BPCA for February 2004 at \$14.00 per 1,000 kWh
4. Notification of Cities and positions selected for 2004 salary survey
5. Approve Sterling Award presentations

ADOPTED RESOLUTION 7033 EXECUTING AN AGREEMENT WITH PUBLIC RESOURCES MANAGEMENT GROUP, INC.

Commissioner Lovell introduced the resolution to be read by title only. CC Richardson read the resolution as follows:

A resolution of the City Commission of the City of Leesburg, Florida, authorizing the Mayor and City Clerk to execute an agreement with Public Resources Management Group, Inc. for consulting services related to impact fee studies; and providing an effective date.

Deputy City Manager (DCM) Robert Johnson stated staff has embarked on several capital projects where there is a potential to recoup some of costs through the impact fees. The impact

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fees would go into the City's General Fund. This request is to have Public Resources Management, Inc. review the idea.

CM Stock stated the firm is already under contract with the Recreation Department. This request is being made because Lake County recently adopted an MSTU and is looking for the City to collect the tax for them.

Commissioner Perry noted the contract cost is about \$26,000. The firm's suggestion will be to raise the rates and fees. Commissioner Perry stated he is not interested in raising the fees or rates. Commissioner Puckett agreed.

DCM Johnson stated the impact fee is for new development within the City only. This will not increase the taxes.

Commissioner Lovell stated growth does not pay for itself directly. It takes time. Impact fees are a way to tax growth.

Commissioner Christian questioned if the fees would affect "the little guy." Fees need to be kept in line with the job market. The City of Leesburg does not want to force first time homebuyers out of the market.

Commissioner Lovell moved to approve the contract and Commissioner Christian seconded the motion. The roll call vote was as follows:

Commissioner Perry	No
Commissioner Puckett	No
Commissioner Christian	Yea
Commissioner Lovell	Yea
Mayor Knowles	Yea

Three yeas, two nays, the Commission adopted the resolution.

ADOPTED RESOLUTION 7034 EXECUTING AN AMENDMENT TO THE AGREEMENT WITH HERBERT-HALBACK, INC.

Commissioner Lovell introduced the resolution to be read by title only. CC Richardson read the resolution as follows:

A resolution of the City Commission of the City of Leesburg, Florida, authorizing the Mayor and City Clerk to approve an amendment to the agreement between the City of Leesburg and Herbert-Halback, Inc. (HHI). for the purposes providing planning services for the City of Leesburg Trail Master Plan.

Commissioner Perry stated he requested this be pulled due to the cost. DCM Johnson stated staff is finalizing the grant agreement for the CSX property. The grant requires a master plan for the trails which will include a management plan requiring a biologist to be on hand to help bring the areas back to optimum use.

Commissioner Lovell moved to approve the resolution and Commissioner Perry seconded the motion. The roll call vote was as follows:

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Commissioner Puckett	Yea
Commissioner Christian	Yea
Commissioner Lovell	Yea
Commissioner Perry	Yea
Mayor Knowles	Yea

Five yeas, no nays, the Commission adopted the resolution.

APPROVED BPCA RATE OF \$14.00 PER 1,000 KWH FOR FEBRUARY 2004

Finance Director (FD) Pfeilsticker stated he has been monitoring the rate and there has been a fluctuation so a decrease could be made however, there is a negative cash flow in the Electric Fund so staff is requesting to keep the BPCA rate at \$14.00 per 1,000 kWh for another month.

Commissioner Perry stated he would like an update on this monthly. Commissioner Perry moved to approve the BPCA rate of \$14.00 per 1,000 kWh for February 2004 and Commissioner Puckett seconded the motion. The roll call vote was as follows:

Commissioner Christian	Yea
Commissioner Lovell	Yea
Commissioner Perry	Yea
Commissioner Puckett	Yea
Mayor Knowles	Yea

Five yeas, no nays, the Commission approved the BPCA rate of \$14.00 per 1,000 kWh.

PUBLIC HEARINGS:

ADOPTED ORDINANCE 04-02 AMENDING THE FISCAL YEAR 2002-03 BUDGET FOR THE HOUSING FUND

CC Richardson read the ordinance by title only, as follows:

An ordinance of the City of Leesburg, Florida, accepting a utility easement from Citizens First Bank, as grantor, to the City of Leesburg, as grantee, pertaining to land located in Section 14, Township 19 south, Range 24 east, Lake County, Florida; and providing an effective date.

Commissioner Puckett moved to adopt the ordinance and Commissioner Lovell seconded the motion. The roll call vote was as follows:

Commissioner Lovell	Yea
Commissioner Perry	Yea
Commissioner Puckett	Yea
Commissioner Christian	Yea
Mayor Knowles	Yea

Five yeas, no nays, the Commission approved the ordinance.

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ADOPTED ORDINANCE 04-03 ACCEPTING AN UTILITY EASEMENT FROM CITIZENS FIRST BANK FOR LAND IN SECTION 14-19-24 (MARSHALL DRIVE AND NORTH SHORE DRIVE)

CC Richardson read the ordinance by title only, as follows:

An ordinance of the City of Leesburg, Florida, accepting a utility easement from Citizens First Bank, as grantor, to the City of Leesburg, as grantee, pertaining to land located in Section 14, Township 19 south, Range 24 east, Lake County, Florida; and providing an effective date.

Commissioner Lovell moved to adopt the ordinance and Commissioner Perry seconded the motion. The roll call vote was as follows:

Commissioner Perry	Yea
Commissioner Puckett	Yea
Commissioner Christian	Yea
Commissioner Lovell	Yea
Mayor Knowles	Yea

Five yeas, no nays, the Commission approved the ordinance.

ADOPTED ORDINANCE 04-04 ACCEPTING AN UTILITY EASEMENT FROM PAUL AND EMILY YASBECK FOR LAND IN SECTION 2-20-24 (MAGNOLIA AVENUE AND SHORT STREET, FRISCH'S SUBDIVISION)

CC Richardson read the ordinance by title only, as follows:

An ordinance of the City of Leesburg, Florida, accepting a utility easement from Paul J. Yasbeck, Jr., and Emily E. Yaskbeck, as grantor, to the City of Leesburg, as grantee, pertaining to land located in Section 02, Township 20 south, Range 24 east, Lake County, Florida; and providing an effective date.

Commissioner Perry moved to adopt the ordinance and Commissioner Puckett seconded the motion. The roll call vote was as follows:

Commissioner Puckett	Yea
Commissioner Christian	Yea
Commissioner Lovell	Yea
Commissioner Perry	Yea
Mayor Knowles	Yea

Five yeas, no nays, the Commission approved the ordinance.

ADOPTED ORDINANCE 04-05 PROVIDING EMERGENCY MANAGEMENT PROCEDURES FOR THE CITY IN THE ABSENCE OF THE MAYOR AND DEFINING THE TERMS OF "GRAVE PUBLIC DANGER" AND "EMERGENCY"

CC Richardson read the ordinance by title only, as follows:

An ordinance creating Section 2-5 of the Code of Ordinances of the City of Leesburg, Florida providing emergency management procedures for the city in

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the absence of the Mayor; defining the terms grave public danger and emergency; repealing conflicting ordinances; providing a savings clause; and providing an effective date.

Commissioner Puckett stated he believed this had been done before. CM Stock stated the amendment to the charter was approved by referendum, but the actual change was never made. CM Stock stated he is proposing one small change to the ordinance presented. Under Section B, the order of command should be Mayor Pro-Tem, City Manager and then the Deputy City Manager.

Commissioner Perry stated the City Manager is the only one really qualified to run the City. The list of command should be City Manager, Deputy City Manager, and then Mayor Pro-Tem.

Commissioner Lovell stated the elected officials would need to be making certain decisions and thus an elected body should be in charge. He agreed with the suggested order made by CM Stock.

CA Morrison stated this would place the Mayor Pro-Tem in charge over the City Manager in an emergency. This supplants the City Commission in an emergency situation.

Commissioner Lovell moved to approve the list of command as Mayor Pro-Tem, City Manager, and then Deputy City Manger. Commissioner Puckett seconded the motion. The roll call vote was as follows:

Commissioner Christian	Yea
Commissioner Lovell	Yea
Commissioner Perry	Yea
Commissioner Puckett	Yea
Mayor Knowles	Yea

Five yeas, no nays, the Commission approved the change to the ordinance body.

Commissioner Lovell moved to approve the ordinance as amended and Commissioner Perry seconded the motion. The roll call vote was as follows:

Commissioner Perry	Yea
Commissioner Puckett	Yea
Commissioner Christian	Yea
Commissioner Lovell	Yea
Mayor Knowles	Yea

Five yeas, no nays, the Commission approved the ordinance as amended.

INTRODUCED AN ORDINANCE AMENDING THE FISCAL YEAR 2003-04 BUDGET FOR THE GENERAL, CAPITAL PROJECTS, ELECTRIC, GAS, WATER, AND WASTEWATER FUNDS, AND PROVIDING AN EFFECTIVE DATE

Commissioner Lovell introduced the ordinance to be read, by title only. CC Richardson read the ordinance as follows:

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An ordinance of the City Commission of the City of Leesburg, Florida, amending the Fiscal Year 2003-04 Budget for the General, Capital Projects, Electric, Gas, Water, and Wastewater Funds, and providing an effective date.

Commissioner Perry stated this increases the fund by \$2.5 million.

APPROVED RANKING OF FIRMS FOR CDBG PLANNING AND GRANT ADMINISTRATION

Commissioner Perry moved to approve the ranking of firms as proposed with Fred Fox Enterprises, Inc. as first and Jordan & Associates as second.

Commissioner Christian stated he would like to see more public input outside of this Commission Meeting in order to answer questions.

DCM Johnson stated there are two public hearings required. Also, an independent task force will review the proposal.

Commissioner Christian seconded the motion to approve the ranking and it passed unanimously.

CITY ATTORNEY ITEMS: None

CITY MANAGER ITEMS:

CM Stock reported on the discussions with the Youth Action Network related to Dabney Elementary School. He stated his understanding was the City would allow the Greater Leesburg Community Redevelopment Agency (GLCRA) to act as a conduit in allowing the School District to give the GLCRA the remaining Dabney Elementary site. The School Board has already agreed the back half of the site going to the Community Development Corporation (CDC). The City should neither own nor have financial backing for the property. An agreement was written up and submitted to the Youth Action for approval. Youth Action responded by saying no response had been made to a November letter from Ms. Margaret Ward asking for financial support. Staff felt the action at the Commission Meeting constituted the response to Ms. Ward's letter. CM Stock is asking for reconfirmation of the City's position regarding this and to authorize staff to prepare a letter to Mrs. Ward that the City is willing to let the GLCRA act as a conduit only and not have financial responsibilities.

Commissioner Puckett and Commissioner Perry agreed stating the GLCRA should be a conduit only.

Commissioner Puckett questioned why the School Board would give away valuable property as they do not have money.

CM Stock stated the City would like to obtain the Lee School. This is being held up as a decision needs to be made on the Dabney site. Staff needs to give the Youth Action Group a deadline or take the CDC's proposal and the City's proposal to the School Board without the Youth Action Group.

DCM Johnson stated the School Board has already voted to give the CDC the back half. There is some question on the front half. This will be brought back in February.

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Vanessa Bean, member of the CDC, stated there are concerns of a possible race issue. Her group wants the Commissioners to think about what they are doing. Vanessa Bean stated the concern is if the City does purchase Lee School, why the same thing cannot be done for the back half of Dabney.

Commissioner Perry stated he requested City staff to check with the School Board on their intentions for Lee School. There is no money in the capital projects for buying this.

Commissioner Lovell left the room at 6:26 p.m. and returned at 6:29.

Mayor Knowles stated the CDC stated they did not want the City's help. It is unclear if the CDC wants to collaborate with the City or not.

CM Stock stated the CDC is asking for a neighborhood community center. This must be provided by the neighborhood. The City is not trying to duplicate services already provided. The intention is not to create separate community centers within the City.

Commissioner Perry stated all the property owned by the City is open to all people; not just a specific group of people. The City has no current need for the Dabney Elementary School.

CM Stock stated there will come a time when the City will build a fire station to replace the downtown fire station. The Dabney School site would be a good site for a fire station and would provide space for training. When these issues are proposed to the School Board, the CDC will forego the possibility of getting revenue from the property. So this option has not been enthusiastically supported.

Ms. Bean stated the CDC is looking for some financial support. Commissioner Puckett stated the Commission will be meeting within the next few weeks to put the priorities in order.

Mayor Knowles stated supporting the community is essential. Additional funding may or may not be available.

CM Stock questioned if the CDC would be willing to support using the GLCRA funds in to purchase Dabney Elementary. Ms. Bean stated this would need to be taken to the board to be approved.

Leslie Johnson, citizen, questioned if the City had given any thought to Dabney Elementary becoming the Cultural Arts Center. Commissioner Lovell stated this was an excellent idea. He further stated he doesn't believe Dabney Elementary was considered a "black" school.

DCM Johnson stated staff did look at both facilities. Lee was preferred due to other elements.

Margaret Ward, concerned citizen, asked if the City will take this to the School Board. She noted the City as a whole needs Diversity Training.

Commissioner Perry moved for the City to continue as a conduit only to facilitate the Dabney Elementary purchase by the CDC and to find out the School Board's intentions on the Lee Adult separately. Commissioner Puckett seconded the motion.

DCM Johnson stated he believes the School Board is suggesting compensation for Lee by the City, but not necessarily cash compensation.

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Commissioner Lovell stated the City will support the Center for the Arts, which is a program that benefits all the kids and all the people. Ms. Bean and Mrs. Ward are saying they want to their program to be equally supported. The City needs to determine if either program can be supported. There are many facets to what is being talked about.

Mayor Knowles stated it would be good to get direction from the public on these topics.

Commissioner Christian stated he would not be voting due to a conflict.

Commissioner Knowles called for a voice vote. The motion passed with four ayes and the abstention by Commissioner Christian.

ROLL CALL:

Commissioner Lovell – none

Commissioner Perry – none

Commissioner Puckett - Kudos to CM Stock for his handling of the Hawthorne situation.

Commissioner Christian – stated he received several phone calls this week regarding the proposed Slave auction. Ms. Marilyn Davenport handled the situation very well and staff needs to be aware of the sensitivity of the diversity of the community.

Commissioner Puckett noted a national radio show talked about selling off the staff the next morning.

Mayor Knowles – stated Ms. Davenport wished to speak. Ms. Davenport apologized for the confusion and noted she was only trying to raise money for the community. The confusion was not intentional. Citizen Leslie Johnson stated it was an ill-chosen word, but it begins a learning point for the Commission. Ms. Davenport further stated she has cancelled the event in the best interest of everyone.

Commissioner Perry moved to adjourn the meeting. The meeting adjourned at 7:03 p.m.

Mayor

Attest:

City Clerk

Diane L. Gibson Smith

Recorder

MINUTES 040126